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Rural Alaska Corrections Plan (A Summary)

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Summary

Efforts to improve correctional services in the rural, predominantly Native communities of Alaska have been going on since before statehood. Complete implementation of plans developed by the Alaska Criminal Justice Planning Agency during the 1970s have been hampered by a number of factors: (1) the scope of the planning has tended to be confined to correctional facilities; (2) the problems faced by corrections in Alaska are complicated by diversity of communities served; (3) financial requirements have exceeded available resources; (4) the authority and responsibility for achieving the plans' objectives were unclear. This document offers proposals for a rural corrections plan which offers a comprehensive, systemic — rather than purely correctional — approach for improving public safety and corrections in rural Alaska. It describes the existing situation, philosophy, coordination and planning, organizational proposals, financing, and implementation.

RURAL ALASKA CORRECTIONS PLAN
(A Summary)

by

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Prepared for Discussion
and Reactions

by

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TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
TENTATIVE RECOMMENDATIONS	1
INTRODUCTION	3
BACKGROUND	6
PHILOSOPHY	7
COORDINATION	8
ORGANIZATION	10
Statewide Operations	11
Local Community Operations	12
FINANCING	16
IMPLEMENTATION	17

TENTATIVE RECOMMENDATIONS

1. A comprehensive, systemic - rather than a corrections - approach will be used for improving the public safety-corrections problems in the rural areas of Alaska.
2. The Governor's Commission on the Administration of Justice will oversee the development of comprehensive justice policies for state justice operations in support of the rural communities of the state.
3. The Alaska Criminal Justice Planning Agency, the staff arm of the Governor's Commission, will be responsible for the coordination of state agency planning and implementation of improvements in the rural areas of the state.
4. Within the overall statewide plan for justice operations in the state, the state should be divided into regions for which specific system-wide planning and implementation will occur. Approximately 14 regions will be defined for the reorganization of local public safety-justice services, using considerations of homogeneity of culture, common problems and natural or existing related boundaries.
5. Justice-public safety agencies of the state will be reorganized within each region of the state.
6. The justice-public safety operations in each region will consist of a mix of state agency-local government operations with the primary responsibilities for public safety being placed on the local communities and the state agencies performing support and backup services.
7. The state police, legal, and correctional agencies will decentralize their operations to ensure that each region has a police, legal, and correctional contingency located at a central place which is easily accessible from all communities of the region.
8. The state justice operations will operate from the centrally located facility within each region. Emergency communications tying all communities within a region to this state public safety headquarters will be developed in each region.
9. The centrally located facility will be at a transportation center of the region and will contain the regional correctional facility plus office and facility space for police, legal, and correctional personnel assigned to the region.
10. Each region of the state will have at least one state trooper, prosecutor and defense services, one district or

superior judge, and one correctional generalist. The trooper will provide support for the local communities with public safety-emergency services; prosecuting attorneys and public defenders will provide legal services; the judge will perform judicial services by using a circuit approach and where possible hold trials in the communities where offenses occur; and the corrections generalist will ensure that correctional operations within the region are consistent with state standards and provide support correctional services for the communities of the region.

11. Regional public safety centers will provide correctional operations for short term confinements and local reintegration programs for offenders returning from long-term facilities located in other areas of the state.
12. Each incorporated community in each region will be provided with a minimum grant by the state which will be used for funding (1) a public safety-emergency service officer, (2) supplies and materials for carrying out the public safety responsibilities of the community, and (3) community correctional programs of the community.
13. The funds for community public safety will be administered by the Alaska Criminal Justice Planning agency in cooperation with other state agencies.
14. The incorporated communities will be responsible for the use of the foundation grants within their communities. General guidelines to ensure that the funds are not used improperly will be developed and enforced by the Governor's Commission on the Administration of Justice with the assistance and advice of the Criminal Justice Planning Agency. As a minimum each community will be required to have a police or public safety-emergency officer who will be paid from this grant. Services provided communities by the state will be charged against the foundation grant of the community requesting the services.
15. Public safety and justice information and data processing will be designed for each region so that comprehensive information about crime, public safety and justice will be accumulated and processed in the most efficacious and useful fashion.
16. Each community will be encouraged to build on the foundation program funded by the state.
17. Implementation of this plan will be pursued by the Criminal Justice Planning Agency in a systematic region by region priority fashion by priorities established by the Governor's Commission and the Planning Agency. Where possible the implementation will be achieved through a reallocation of the resources of existing state agencies rather than new resources.

INTRODUCTION

Efforts to improve correctional services in the rural, predominantly Native communities of Alaska have been going on since before statehood. During this decade the Criminal Justice Planning Agency has addressed the situation by the development of a Jail Needs Survey in 1972, Goals and Standards in 1976, An Analysis of Alaska Jail Situation in 1977, and the Policy Statement on Rural Corrections in 1978. It is apparent that the actions of state justice agencies which were based on these planning documents have produced improvements. However, complete implementation of these plans have not been achieved.

Implementation of previous plans has been hampered by a number of factors. First, the scope of the planning has tended to be narrowly confined to correctional facilities. Second, the problems faced by corrections in Alaska are complicated by diversity of communities served and sparsity of population that is unlike any other place in the country. Third, the financial requirements have exceeded the resources which could be obtained. And, fourth, the authority and responsibility for achieving the objectives of the plans were unclear. Expeditionous progress in improving past performance will be directly dependent on the success of Alaska justice agencies and communities in overcoming these problems.

One of the most significant restrictions on options available for improving rural corrections is the labyrinthine intertwine

of correctional problems with those of the entire public safety and social control mechanism available to remote communities. People who would normally constitute correctional clients cannot be identified in rural areas of Alaska because legal and policing machinery is not readily available. The nature and location of facilities for correctional programs is dependent to some extent on the quantity and location of police and legal operations -- a situation which has not been adequately defined in some regions. The nature of an effective correctional configuration for a Native community must be conditioned by the practices of legal and judicial services. Given the state of justice operations in rural Alaska, it is unrealistic to expect that substantial improvements can be made in corrections in the absence of changes in the entire social justice system.

The sparsity of population and diversity of communities provides another challenging problem. Alaska is geographically a huge state consisting of a variety of unique areas. These areas are differentiated by history, economic condition and potential, community location and size, transportation systems and even language. The differences make it impractical, if not impossible, to institute the standard normative model of justice system operations throughout the state. Further, given the diversity of the conditions and problems in various regions, it is not possible within the time and resources available for this plan to specify in detail all the correctional programs, personnel, facilities and financial arrangements needed in each rural regional of the state. Plans can be developed, however, that

describe in detail a framework within which specifics for individual regions will be developed and implementation will be initiated.

The issue of responsibility and authority for insuring implementation of plans must be settled prior to proceeding with improvements. Priority-by-priority, step-by-step actions needed to eventually produce effective and efficient operations in rural Alaska can best be coordinated by one group with sufficient authority to insure implementation of planned changes. This is not to imply that any Alaska justice agency should be relieved of its obligations for highest quality of services that the available resources will support.

The financial situation for Alaska has substantially changed for the better in recent years and it appears that state funds can be made available for well conceived plans. Within reasonable limits, the soundness of the plan for improving the public safety situation should be the concern.

Although the plan for rural corrections should be designed to reduce or eliminate all barriers to implementation, particular attention will be given to those barriers stemming from the preceding conditions. The proposals offered in this document were written with an eye toward facilitating prompt implementation of correctional arrangements that most effectively and efficiently serve the needs of the communities. The remainder of this report will be divided into sections dealing with

- 1) existing situation, 2) philosophy, 3) coordination and

plannning, 4) organizational proposals, 5) financing, and 6) implementation.

BACKGROUND

The type of material which will be included in this section of the final report is summarized in the Alaska Criminal Justice Plan for 1978 (pages 290-310), and the CJPB "Analysis of Alaskan Jail Situation" presented at the Governor's Commission on the Administration of Justice meeting at Palmer in October, 1977.

Definitions of division of the responsibilities and authority for public safety and justice services are contained in the state constitution and statutes. Basically, these laws do three things which are of interest to the Committee: 1) they permit local governments to assume considerable responsibility for their own police and correctional services; 2) they mandate the state provision of necessary governmental services in the unorganized boroughs; and, 3) they mandate the state provision of jail and legal services for all local communities.

The implications of these laws are 1) the state can and should provide a "foundation" level of justice and correctional services throughout the state; 2) the state can and should develop a rational organizational arrangement for providing justice services in the regions of the state where there are no organized boroughs and, if necessary, the level of state support in such geographic areas can be greater than that provided in the areas where organized boroughs have been established by local action; and, 3) local governments retain the option to supplement the services provided by the state.

PHILOSOPHY

Consistent with suggestions in previously completed correctional planning, including the recent Corrections Master Plan, the State of Alaska should continue to shoulder the responsibility for providing 1) statewide institutional corrections for convicted persons who have been sentenced to incarceration; 2) regional correctional centers in the main commercial centers of the state; and 3) local facilities for the temporary detention of arrestees who cannot be immediately freed in the community where they were arrested.

Despite state responsibility for providing a foundation level of local services, the constitution clearly establishes a principle of "maximum local self-government" and orders "a liberal construction shall be given to the powers of local governmental units." The constitution requires the state to provide "necessary" governmental services in unorganized boroughs in such a fashion as to allow for ". . . maximum local participation and responsibility." Furthermore, it orders, to the maximum degree possible, the design of governmental arrangements to embrace an area and population with common interests. Standards for service area definitions include considerations of population, geography, economy, transportation and other similar factors. Therefore, it is clear that correctional plans for rural areas of the state must include both consideration of the homogeneity of local situations and the most appropriate methods for stimulation of acceptance of responsibility for justice and correctional programs by local communities.

The Alaska Correctional Master Plan devotes most of its attention to the population centers of the state; therefore, this plan will not focus on those areas. Further, since local people and communities in the organized boroughs have accepted primary responsibility for providing services to people within their jurisdictions, the primary initial focus of this plan will be on the unorganized boroughs of the state.

Finally, given the scope of the work required in reorganizing public safety and justice services in rural areas, this plan focuses, first, on a comprehensive structure for improving correctional services; and, second, on organizing reasonable regional areas for the development of uniquely relevant methods for justice and public safety services.

COORDINATION

The organization of public safety and justice services under several branches and in numerous agencies of government hamper a well coordinated and efficient effort toward the development and implementation of reorganizational activities for the entire system in rural communities by any one operational unit. The Department of Community and Regional Affairs has responsibility for insuring governmental services in the unorganized boroughs; the court system is responsible for providing judicial services; the Department of Law provides a variety of critical legal services; the Department of Public Safety has an obligation for providing policing and law enforcement assistance to local communities; the Division of Corrections

is charged with providing facilities and programs for the detention and rehabilitation of convicted persons, etc. None of these units of government, however, have sufficiently broad responsibility to oversee and coordinate the total efforts required for planning and implementation of changes of the scope required for improving the existing situation.

The unit of government with authority and power that most nearly meets the scope to the responsibility required is the Governor's Commission on the Administration of Justice and its administrative arm, the Alaska Criminal Justice Planning Agency. The membership of the Governor's Commission includes the chief executives of nearly all agencies that must be involved in initiating changes. Together these people can establish system-wide policies and plans which will be carried out. Therefore, the Commission should formally accept responsibility for coordinating the planning and implementation of methods for public safety mechanisms in rural Alaska.

The planning and implementation efforts will not be efficient unless complete and relevant information can be obtained. As it presently stands, not only are statistical data incomplete, they are not accumulated on a consistent basis. For example, data concerning the extent and nature of deviancy in individual rural communities is incomplete; arrest data is not available by rural communities; data concerning existing local correctional facilities is incomplete; information about trials in communities is sketchy at best; and little information concerning the correctional efforts of individual rural communities exists.

In order to overcome these problems, the Rural Corrections Committee suggests the following:

1. The state Department of Public Safety, Department of Law, Division of Corrections and the Court System establish common operational boundries within which personnel will be assigned and data will be collected and compiled. The regional boundries recommended for this decentralization are drawn on Table I.

2. Detailed planning of public safety and justice operations within these individual regions should be an interdisciplinary and community effort involving policy level and local employees of state agencies in the region, local government officials and local residents.

The responsibility for the detailed design of services within each region should be assumed by the local communities in each region with the assistance of the state agencies. In order to insure a thorough job in the detailed designs in each area the regions should be prioritized for attention. Those regions which have identified resources and are proceeding to initiate improvements with a minimum of state assistance should be permitted to continue at their own rate of progress. These regions include 1) the North Slope Borough, 2) the Yukon Flats regions, 3) the Bristol Bay Borough, and 4) other boroughs.

The Criminal Justice Planning Agency and the Governor's Commission should develop the criteria for prioritizing the regions and based on these criteria establish a region-by-region implementation plan.

ORGANIZATION

The situations existing in the remote, rural communities of the state are so uniquely different from those in the urban

areas of the state that the problems normally defined as police, courts or correctional problems must be viewed as broader public safety problems. This approach will facilitate the planning and implementation of state provided foundation support services that are critical to the improvement of police, legal and correctional operations in the individual communities.

Statewide Operations

The following suggestions which affect all regions take a high priority under this foundation public safety approach:

1. Statewide attention must be given to establishing reliable emergency communications throughout the state. Every community in the state should be able to communicate the need for emergency assistance to the appropriate state agency which has an emergency response responsibility.

2. The Department of Public Safety should establish a centrally located operation for emergency response to all communities within each region that does not have its own region-wide response capacity.

3. Regional public safety facilities which includes sufficient space for a public safety office, a courtroom, offices for a judge or magistrate and two lawyers, and correctional capacity for prisoners temporarily detained or sentenced up to one year. These facilities should be located in a convenient location in the commercial and transportation center that serves the other communities of the region. The most likely locations for the initial facilities are: 1) Barrow, 2) Dillingham, 3) Fort Yukon, 4) Nome, 5) Bethel, 6) Aniak, 7) Kodiak, 8) Valdez, and 9) Kenai. Justice facilities in the urban areas of the state should be adequate to serve the remaining regions.

4. Each of these public safety facilities should be staffed with sufficient personnel to provide the support services needed by communities and residents in the region. This will probably include as a minimum 1) an Alaska State Trooper, 2) a magistrate or district court judge, and 3) a correctional

generalist. In addition to providing services in the community where the public safety facility is located, the justice officials should be required to travel a scheduled circuit within the region and perform assistance for the communities. The magistrate or district court judge in particular should systematically visit communities where no other magistrates reside.

5. The Division of Corrections should establish standards for all correctional facilities in the state. Enforcement of these standards should be the responsibility of the correctional representative in each region. The enforcement of these standards should be supported by a foundation "public safety" subsidy which the state provides to each incorporated community of the region.

This statewide arrangement should establish the state support structure on which each rural community of the state can build its own public safety operation.

Local Community Operations

The most challenging problems in organizing rural public safety operations are found at the local community level. In addition to scant workloads, in most of the remote rural communities the economic situation severely limits the ability of citizens to provide for their own services. The adoption of a generalist approach to the reorganization of public safety responsibilities seems to be the most promising approach for maximizing the probability of having at least one trained resident who can handle public safety problems in every community.

The Department of Public Safety, in cooperation with Native corporations and local governments, is proceeding with the development of such an operation in the Northwestern area of the state. The Committee endorses the continuation and

expansion of this concept through the institution of the Social Justice Team project which is to be funded in part by NIMH.

The primary focus of the present effort at developing public safety officers is on training selected residents of each participating community in police, fire, and emergency medical skills. CETA funds are utilized to train and pay the people chosen to be officers. Once trained, the officers work under the direction of the local government in their own communities. Alaska State Troopers assigned to the region where a public safety officer is working are responsible for supporting and assisting the officer.

Consideration should be given to further expanding the role of village public safety officers to include paralegal and paracorrectional responsibilities. Such a role expansion would provide a trained person who could advise and assist local residents in each community with justice matters. The training for such responsibilities would involve a heavy emphasis on information about where professional legal advice could be obtained. In regard to paracorrectional responsibilities, public safety officers could be trained in correctional standards, support available for correctional programs, and probation and parole duties. Those communities with their own public safety officers would be assured of a supervisor for convicted persons who have been permitted to remain in the community.

With the public safety officer approach is a reasonable step, the dependence of the technique on CETA funding is

undesirable. Further, CETA funds are inadequate in most communities to be of much assistance in the establishment of support facilities and programs. Revenue sharing by the state currently provides additional money for police and fire operations, however, in the small Native communities, such funds are far short of the amount needed for public safety. There seems to be no alternative to the state provision of a financial foundation for minimal public safety operations in each of its rural communities.

The Committee suggests the development of a realistic formula which will account for the economic situation and the public safety problems in each community of the state.

The problem of public safety, particularly temporary detention facilities, in small remote communities is also complicated by the availability of local funds. A dual approach to this problem may result in more adequate facilities in the communities. First, new justice facilities should be considered public safety oriented and designed to serve as temporary detention facilities, community service centers, sleep-off centers, and office space for police, court and correctional activities. Second, no state funded facilities should be built in any community until consideration is given to designing the facilities to serve a complete range of governmental services including public safety. Steps should be taken to insure that plans to construct new facilities in rural areas of the state are reviewed by the Criminal Justice Planning Agency.

Another problem identified by the Committee involves the probability that the establishment of regional correctional facilities that are convenient to small communities will result in communities being tempted to incarcerate deviants rather than using community correctional alternatives. This temptation might be reduced by instituting a system for charging against a community's public safety subsidy when the community decides to make use of the services of state agencies. For example, a community's public safety subsidy would include funds for maintaining arrestees in the local community; however, if the community decided to incarcerate an arrestee in a regional public safety center or a state correctional institution, a portion of the subsidy for the year would be deducted by the Criminal Justice Planning Agency from the community's payment.

Such an arrangement should serve to encourage local communities to develop their own correctional programs rather than depend on state institutions.

The final problem involves the establishment of arrangements to insure appropriate correctional programs for convicted offenders. Presently, the classification of convicted persons is done centrally in Anchorage by the personnel of the Division of Corrections. Parole analysis is the responsibility of the Alaska Parole Board. Both of these activities should be performed at the regional level wherein the offense was committed. This would serve to condition the correctional programs for offenders with local considerations.

In the final analysis, the details of the local public safety operations in the rural communities of Alaska should be defined by a joint planning process that involves Alaska justice officials and local people.

FINANCING

This plan is based on an assumption that the State of Alaska should provide a foundation level of support for public safety services including police, fire, emergency response, legal and judicial services. The present practice of revenue sharing indicates an acceptance of at least some responsibility in this area by the state. The efforts to insure that Alaska State Troopers are available to serve rural municipalities reflects a belief in an obligation. The Committee believes that the present level of support for rural public safety should be increased.

The minimum level of state support should include the funding of a reliable emergency communication system which will enable any community in the state to immediately contact the Alaska State Troopers when emergency assistance is needed. Such a system is a critical priority and deserves a considerable investment of state funds for planning and implementation.

The minimum level should include complete state funding of the regional public safety facilities and their operation. Appropriate location of these facilities should result in less cost for emergency communication and prisoner transportation.

The minimum level of state funding should also include sufficient money to provide at least one full-time public safety officer in each municipality of the state. This subsidy should be flat rate for all municipalities of the state. Each municipality should also be provided with enough funds for essential supplies and fundamental equipment (i.e., communications, records files, etc.) needed in performing the responsibilities of a public safety officer. The subsidy should also include a flat rate for detention costs and community correctional programs. This is the grant which would be charged against when a community avails itself of state detention or institutional facilities.

Local communities should be encouraged to provide additional services within its own economic means.

IMPLEMENTATION

Implementation of the proposals contained in this document will require a commitment first, by the Governor's Commission on the Administration of Justice, and second, by the leadership of the state justice and public safety agencies. The decentralization of police, legal and correctional operations into standard regions can be done by administrative reorganization without any substantial increase in the budgets of these agencies.

The implementation of recommendations concerning the improvement of communications and construction of regional public safety facilities requires additional planning and will require considerable advanced funding for planning. This must be considered a multiple year effort.

The institution of standards for correctional facilities and local public safety subsidies will require additional detail planning and some legislative changes. These activities could, given a reasonable effort, be completed within six months.

The planning and implementation of local public safety operations will be dependent upon the ability of state justice agencies and local communities to provide the personnel time required for planning. As a result, such efforts must be pursued in a prioritized fashion and could be completed within three to six years.

ALASKA DEPARTMENT OF PUBLIC SAFETY

LEGEND

EXISTING HIGHWAY SYSTEM

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SCALE IN MILES

